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Attorneys for Defendants/Counterclaimants

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Gene Neal, an individual; and Kennieth  
Neal, an individual,

Plaintiffs/  
Counterclaim  
Defendants,

v.

Vince Au et al.,

Defendants/  
Counterclaimants.

No. 2:13-cv-00406-JWS

**DECLARATION OF KENNETH  
M. MOTOLENICH-SALAS IN  
SUPPORT OF DEFENDANTS'  
OPENING MARKMAN BRIEF**

(Hon. John W. Sedwick)

I, Kenneth M. Motolenich-Salas, hereby declare as follows:

1. I am an attorney at Weiss and Moy, PC, counsel for Defendant/Counterclaimant herein. I have personal knowledge of the facts herein, and if called as a witness, I could and would testify competently thereto.

2. I make this declaration in support of Defendants' Opening Markman Brief filed concurrently herewith.

3. Attached hereto as **Exhibit 1** is a true and correct copy of U.S. Patent No. 8,375,917.

1           4.     Attached hereto as **Exhibit 2** is a true and correct copy of U.S. Patent No.  
2 8,505,512.

3           5.     Attached hereto as **Exhibit 3** is a true and correct copy of Defendants'  
4 Proposed Construction for Claim Terms of U.S. Patent No. 8,375,917 and Related  
5 Amendments and Parties' Stipulations Made Thereto in Discovery.

6           6.     Attached hereto as **Exhibit 4** is a true and correct copy of Plaintiffs'  
7 Proposed Construction for Claim Terms of U.S. Patent No. 8,375,917 and Related  
8 Amendments Thereto Made in Discovery.

9           7.     Attached hereto as **Exhibit 5** is a true and correct copy of Defendants'  
10 Proposed Construction for Claim Terms of U.S. Patent No. 8,505,512 and Related  
11 Amendments Thereto Made in Discovery.

12           8.     Attached hereto as **Exhibit 6** is a true and correct copy of Plaintiffs'  
13 Proposed Construction for Claim Terms of U.S. Patent No. 8,505,512 and Related  
14 Amendments Thereto Made in Discovery.

15           9.     Attached hereto as **Exhibit 7** is a true and correct copy of a List of  
16 Asserted Patent Claims from Asserted Patents.

17           10.    Attached hereto as **Exhibit 8** is a true and correct copy of the  
18 June 28, 2012 Amendment from Prosecution of Application Leading to U.S. Patent No.  
19 8,375,917.

20           11.    Attached hereto as **Exhibit 9** is a true and correct copy of the  
21 October 3, 2012 Office Action from Prosecution of Application Leading to U.S. Patent  
22 No. 8,375,917.

23           12.    Attached hereto as **Exhibit 10** is a true and correct copy of the  
24 December 5, 2012 Inventor Declaration from Prosecution of Application Leading to  
25 U.S. Patent No. 8,375,917.

26           13.    Attached hereto as **Exhibit 11** is a true and correct copy of the  
27 December 11, 2012 Amendment from Prosecution of Application Leading to U.S.  
28 Patent No. 8,375,917.

1           14. Attached hereto as **Exhibit 12** is a true and correct copy of the Reason for  
2 Allowance of U.S. Patent No. 8,375,917.

3           15. Attached hereto as **Exhibit 13** is a true and correct copy of "Bullet Proof  
4 Oil Cooler Kit" by Neal Technologies, Inc., Subtitled "Curing the Ford 6.0L Power  
5 Stroke Diesel" created on December 24, 2009 and accessed by Kenneth Motolenich-  
6 Salas through Bulletproof Diesel's website <http://www.bulletproofdiesel.com> on  
7 January 9, 2014.

8           16. Attached hereto as **Exhibit 14** is a true and correct copy of University of  
9 Delaware Course Notes on Parallel Pipeline Systems dated January 9, 2014 from  
10 [http://udel.edu/~inamdar/EGTE215/Parallel\\_flow.pdf](http://udel.edu/~inamdar/EGTE215/Parallel_flow.pdf).

11           17. Attached hereto as **Exhibit 15** is a true and correct copy of Notes from  
12 Dr. James B. Calvert, Associate Professor Emeritus of Engineering, University of  
13 Denver, Registered Professional Engineer, State of Colorado No. 12317, on "Waves,  
14 Acoustics and Vibration, Subsection on Acoustic Circuits: Pipes and Resonators" made  
15 on January 9, 2014 and found at <http://mysite.du.edu/~jcalvert/waves/acoucirc.htm>.

16           18. Attached hereto as **Exhibit 16** is a true and correct copy of Notes  
17 Concerning Fluid Flow in Closed Conduits by Doctor Luis Parra, Hydraulic and  
18 Hydrologic Engineer, Lecturer at San Diego State University, Department of Civil,  
19 Construction, and Environmental Engineering, dated January 9, 2014 and found at  
20 [http://parra.sdsu.edu/roberson\\_chapter05-2.html](http://parra.sdsu.edu/roberson_chapter05-2.html).

21           19. Attached hereto as **Exhibit 17** is a true and correct copy of an online  
22 general article entitled "Pressure Drops in Pipes: Part 2, Series and Parallel" dated  
23 January 9, 2014 and found at  
24 [http://napkindiagrams.wordpress.com/2010/01/13/pressure-drops-in-pipes-part-2-](http://napkindiagrams.wordpress.com/2010/01/13/pressure-drops-in-pipes-part-2-series-and-parallel)  
25 [series-and-parallel](http://napkindiagrams.wordpress.com/2010/01/13/pressure-drops-in-pipes-part-2-series-and-parallel).

26           20. Attached hereto as **Exhibit 18** is a true and correct copy of an online  
27 sample problem in mechanical engineering entitled "Determine the flow rate through  
28 each of the parallel pipes" dated January 9, 2014 and found at

1 [http://www.chegg.com/homework-help/questions-and-answers/pipeline-transport-oil-](http://www.chegg.com/homework-help/questions-and-answers/pipeline-transport-oil-40oc-rate-3-m3-s-branches-parallel-pipes-commercial-steel-reconnec-q1235012)  
2 [40oc-rate-3-m3-s-branches-parallel-pipes-commercial-steel-reconnec-q1235012](http://www.chegg.com/homework-help/questions-and-answers/pipeline-transport-oil-40oc-rate-3-m3-s-branches-parallel-pipes-commercial-steel-reconnec-q1235012).

3 21. Attached hereto as **Exhibit 19** is a true and correct copy of an excerpt  
4 from "Fluid Mechanics: Fundamentals and Applications" by Yunus A. Cengel and John  
5 M. Cimbala, 1st ed., 2006, McGraw-Hill Series in Mechanical Engineering, ISBN  
6 0-07-247236-7.

7 22. Attached hereto as **Exhibit 20** is a true and correct copy of an excerpt  
8 from "Engineering Fluid Mechanics" by Clayton T. Crowe, Donald F. Elger, and John  
9 A. Roberson, 8th ed., 2005, John Wiley & Sons, Inc., ISBN 0-471-487737-6.

10 23. Attached hereto as **Exhibit 21** is a true and correct copy of an excerpt  
11 from "A First Course in Fluid Mechanics", by S. Narasimhan, 1st ed., 2007, CRC Press  
12 LLC, ISBN 1-4200-6030-9.

13 24. Attached hereto as **Exhibit 22** is a true and correct copy of extrinsic  
14 evidence concerning the meaning of the term "manifold," including the (i) definition of  
15 "manifold" from  
16 [http://www.oxforddictionaries.com/us/definition/american\\_english/manifold](http://www.oxforddictionaries.com/us/definition/american_english/manifold) 1/  
17 accessed on February 3, 2014; (ii) the definition of "manifold" from  
18 <http://www.vocabulary.com/dictionary/manifold?family=Manifold> accessed on  
19 February 3, 2014; (iii) the definition of "manifold" from  
20 <http://www.collinsdictionary.com/dictionary/english/manifold> accessed on February 3,  
21 2014; (iv) the Wikipedia entry for "manifold (engineering)" at  
22 [http://en.wikipedia.org/wiki/Manifold\\_\(engineering\)](http://en.wikipedia.org/wiki/Manifold_(engineering)) accessed on February 3, 2014  
23 listing various types of manifolds, including "Exhaust manifold, an engine part which  
24 collects the exhaust gases from multiple cylinders into one pipe", "Hydraulic manifold,  
25 a component used to regulate fluid flow in a hydraulic system, thus controlling the  
26 transfer of power between actuators and pumps"; "Inlet manifold or "intake manifold",  
27 an engine part which supplies the air or fuel/air mixture to the cylinders"; (v) the  
28 Wikipedia entry for "hydraulic manifold" at

1 [http://en.wikipedia.org/wiki/Hydraulic\\_manifold](http://en.wikipedia.org/wiki/Hydraulic_manifold) accessed on February 3, 2014; (vi) the  
2 Wikipedia entry for "exhaust manifold" at  
3 [http://en.wikipedia.org/wiki/Exhaust\\_manifold](http://en.wikipedia.org/wiki/Exhaust_manifold) accessed on February 3, 2014; and (vii)  
4 the Wikipedia entry for "inlet manifold" at [http://en.wikipedia.org/wiki/Inlet\\_manifold](http://en.wikipedia.org/wiki/Inlet_manifold)  
5 accessed on February 3, 2014.

6 I declare under penalty of perjury under the laws of the State of Arizona and the  
7 United States of America that the foregoing statements are true and correct.

8 Dated this 7<sup>th</sup> day of February, 2014.

9  
10 /s/ Kenneth M. Motolenich-Salas  
11 Kenneth M. Motolenich-Salas  
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**CERTIFICATE OF SERVICE**

I hereby certify that on February 7, 2014, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants of record in this matter.

By: s/Kenneth Motolenich-Salas